

REMARKS

This is in response to the Office Action, dated March 31, 2003, where the Examiner has rejected claims 1-11 and 28-37. After the present response, claims 1-11 and 28-37 are pending in the present application. Reconsideration and allowance of pending claims 1-11 and 28-37 in view of the following remarks are respectfully requested.

A. Rejection of Claims 1-2 and 4-6 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-2 and 4-6 under 35 U.S.C. § 103(a), as being unpatentable over Robertson (USPN 6,463,274) in view of Bender et al. (USPN 6,002,933). Applicant respectfully disagrees.

Applicant hereby swears behind the October 26, 1999 priority date of the Robertson reference (USPN 6,463,274) under 37 C.F.R. § 1.131. Under 37 C.F.R. § 1.131, the inventor of the claimed invention may submit an appropriate declaration to overcome a reference. The showing of facts shall be such as to establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to the effective date of the reference to a subsequent reduction to practice or to the filing of the application. See 37 C.F.R. § 1.131. Applicant respectfully submits that all pending claims 1-11 and 28-37 are allowable over the Robertson reference in view of the Bender reference based on the following remarks.

Pursuant to 37 C.F.R. § 1.131, attached is a declaration from inventor Huan-Yu Su, including a copy of an Innovation Disclosure, having Docket No. 99RSS293, which was submitted by the inventor to the Conexant Innovation Disclosure Database on June 3, 1999.

The Examiner will note that the last page of the enclosed Innovation Disclosure clearly shows that the Innovation Disclosure was submitted by the inventor to the Conexant International

Innovation Disclosure Database, as docket no. 99RSS293, on June 3, 1999, which predates the priority date of the Robertson reference, i.e. October 26, 1999. Applicant respectfully submits that the Innovation Disclosure, entitled "Network Configurable Multi-Mode Vocoder" evidences that the inventor was in possession of the presently claimed subject matter on June 3, 1999. For instance, the Examiner's attention is directed to pages 1-2 of the Innovation Disclosure, under the heading "Solution", which discusses low-cost users, normal users and premium users.

Accordingly, applicant respectfully requests that the rejection of claims 1-2 and 4-6 under 35 U.S.C. § 103(a) be withdrawn.

B. Rejection of Claims 3, 8-11 and 28-37 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 3, 8-11 and 28-37 under 35 U.S.C. § 103(a), as being unpatentable over Robertson (USPN 6,463,274) in view of Bender et al. (USPN 6,002,933), and further in view of Tiedemann et al. (USPN 5,914,950). Applicant respectfully disagrees.

Applicant respectfully submits that for the same reasons stated above in conjunction with allowability of claims 1-2 and 4-6, claims 3, 8-11 and 28-37 should be allowed over the Robertson reference in view of the Bender reference, and further in view of the Tiedemann reference.

C. Rejection of Claim 7 under 35 U.S.C. § 103(a)

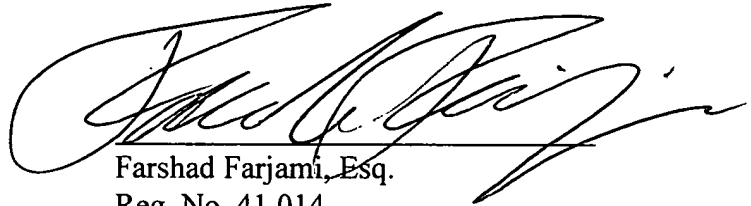
The Examiner has rejected claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Robertson (USPN 6,463,274) in view of Bender et al. (USPN 6,002,933), and further in view of well known prior art. Applicant respectfully disagrees.

Applicant respectfully submits that for the same reasons stated above in conjunction with allowability of claims 1-2 and 4-6, claim 7 should be allowed over the Robertson reference in view of the Bender reference, and further in view of further in view of well known prior art.

D. Conclusion

For all the foregoing reasons, an early allowance of claims 1-11 and 28-37 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
FARJAMI & FARJAMI LLP



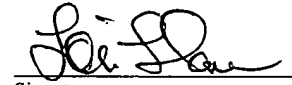
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Lori Uave
Name



Signature